

FCC Received June 1, 1995, at 1:05 p.m.  
Donna A. Bradshaw

ORIGINAL

TRANSCRIPT OF PROCEEDINGS

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

IN THE MATTER OF:

MM DOCKET NO. 93-265

PINE TREE MEDIA, INCORPORATED  
Longview, Texas

DOCKET FILE COPY ORIGINAL

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DATE OF HEARING: May 24, 1995 VOLUME: 7  
PLACE OF HEARING: Washington, D.C. PAGES: 302 - 324

FREE STATE REPORTING, INC.  
Court Reporting Depositions  
D.C. Area (301) 261-1902  
Balt. & Annap. (410) 974-0947

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

----- X  
:  
In the matter of: : MM Docket No. 93-265  
Pine Tree Media, Incorporated :  
Longview, Texas :  
----- X

DOCKET FILE COPY ORIGINAL

The above-entitled matter came on for hearing pursuant to notice before Judge John M. Frysiak, Administrative Law Judge, at 2000 L Street, N.W., Suite 201, Washington, D.C. in Courtroom Number Four on Wednesday, May 24, 1995 at 10:00 a.m.

APPEARANCES:

On behalf of the Mass Media Bureau:

ROBERT A. ZAUNER, ESQUIRE  
GARY P. SCHONMAN, ESQUIRE  
Federal Communications Commission  
2025 M Street, N.W., Suite 7212  
Washington, D.C. 20554

On behalf of Praise Media, Incorporated:

DENNIS J. KELLY, ESQUIRE  
Post Office Box 6648  
Annapolis, Maryland 21401

Hearing Began: 9:45 a.m.

Hearing Ended: 11:00 a.m.

FREE STATE REPORTING, INC.  
Court Reporting Depositions  
D.C. Area (301) 261-1902  
Balt. & Annap. (410) 974-0947

I N D E X

<u>Mass Media Bureau</u>	<u>Marked</u>	<u>Received</u>	<u>Rejected</u>
Exhibit # 7	312	312	
Exhibit # 8	313		316
Exhibit # 9	319	319	
Exhibit # 10	322	322	
Exhibit # 11	323	323	

FREE STATE REPORTING, INC.  
Court Reporting Depositions  
D.C. Area (301) 261-1902  
Balt. & Annap. (410) 974-0947

1                                    P R O C E E D I N G S

2                    JUDGE FRYSIAK: We're here to consider some  
3 additional exhibits in the matter of Longview, Texas. May we  
4 note your appearances for the record?

5                    MR. KELLY: Your Honor, for party in interest,  
6 Praise Media, Inc., Dennis J. Kelly.

7                    MR. ZAUNER: Your Honor, on behalf of the Mass Media  
8 Bureau, Robert A. Zauner and Gary Schonman, and also with me  
9 this morning, Your Honor, I'd like to introduce you to Sharon  
10 Donahue, who is a paralegal in our office and will be working  
11 for us this summer, and also on my left is Ben Chachkin who  
12 will be working for us also this summer, and Ben Chachkin is  
13 helping us finish numbering some pages here on an exhibit this  
14 morning.

15                   JUDGE FRYSIAK: Any relation to the Chachkin I know?

16                   MR. ZAUNER: Yes. It's a very close relationship.  
17 This is his son.

18                   JUDGE FRYSIAK: Very good. Welcome aboard. What  
19 have we got?

20                   MR. ZAUNER: Your Honor, at the hearing in this  
21 proceeding that was held on March 21st and March 22, 1995, you  
22 ordered the witness, Janet Washington, to produce certain  
23 documents during the course of the hearing. Pursuant to your  
24 judge's order, documents were provided to the Bureau.

25                   Originally they were supposed to be provided by

1 March 30th. In fact, we did get certain documents on March  
2 30th, but we were informed in the accompanying letter that  
3 additional documents were to be provided, and in fact,  
4 additional documents were provided on various dates, and I  
5 believe the last date on which we received documents was just  
6 on May 22, 1995. The last documents were produced and my  
7 understanding is that this now completes the production of  
8 documents ordered by the judge at the hearing.

9 MR. KELLY: That is correct with the proviso that  
10 these documents were those that were in the possession,  
11 custody, or control of the witness and that, you know,  
12 statements relative that other documents that may have existed  
13 at one time were not available due to vandalism or theft from  
14 the radio station according to what I've written in the  
15 letters that covered the document production. But with that  
16 proviso, Mr. Zauner's statement is correct.

17 MR. ZAUNER: Your Honor, there are at least one  
18 category of documents that comes to immediate mind that were  
19 not produced and that was the I.R.S. returns for Praise Media  
20 for 1992 and 1993. These were ordered produced at Transcript  
21 115-116. We have not seen any of those documents.

22 MR. KELLY: And as I have indicated in my letter,  
23 they do not exist. That representation was made to me by my  
24 client.

25 MR. ZAUNER: Do you know -- did your client -- if we

1 may find out whether Mr. Kelly's client made any attempt to  
2 obtain those documents. During her testimony here, she  
3 indicated that the returns were in the control of Peggy  
4 Harthan, H-A-R-T-H-A-N -- that's a phonetic spelling  
5 apparently -- in Chicago and she testified that she could  
6 obtain the documents from her.

7 MR. KELLY: They do not exist.

8 MR. ZAUNER: Did she attempt to obtain those  
9 documents from Peggy Harthan? That's what I would like to  
10 know.

11 MR. KELLY: The returns for '92 and '93 and '94 do  
12 not exist.

13 JUDGE FRYSIK: For what reason don't they exist?

14 MR. KELLY: They're in preparation, but they don't  
15 exist. I mean, they're not -- I mean, in other words, they've  
16 never been completed and signed and sent in. I mean, that's -  
17 - that would be the reason. So far as -- I mean, that is what  
18 my client has indicated to me.

19 MR. ZAUNER: With regard to the other documents that  
20 you ordered produced, the document production came in, in what  
21 I can only describe as sort of a rag-tag form. There was no  
22 indication as to which document order the specific documents  
23 being provided were responsive to.

24 So what we have is a collection of documents that  
25 consist of cancelled checks, bar receipts, supplies that were

1 ordered, and there is no connection drawn between the  
2 documents provided and either the testimony that was offered  
3 by Janet Washington or the specific documents that you ordered  
4 produced. So we really don't know how to analyze these  
5 documents, what they mean or what they're supposed to mean.

6           What we have done, Your Honor, in this case, so that  
7 the record will be complete and show what the documents that  
8 were provided to us are, we have made the documents and the  
9 covering letters into exhibits and we have -- we would like to  
10 offer today Mass Media Bureau Exhibits 7 through 11, and these  
11 exhibits will cover all of the documents provided to us  
12 pursuant to Your Honor's orders by Janet Washington through  
13 her counsel, Mr. Dennis Kelly.

14           JUDGE FRYSIK: You have been able to establish the  
15 relevancy of each of these exhibits, have you not?

16           MR. ZAUNER: We have no idea and --

17           JUDGE FRYSIK: For what purpose --

18           MR. ZAUNER: -- and the reason that we would put  
19 this into the record is to show what it was that we received  
20 in response so that any reviewing authority could make any  
21 determination they wanted. We feel that these documents, as  
22 provided, are really unresponsive to your judge's orders.

23           MR. KELLY: I did the best I could, Your Honor. I  
24 produced the documents that my client could find that in any  
25 way were responsive to your orders. If the Bureau is

1 unsatisfied, then they're unsatisfied. All I could do is  
2 produce what we have and that's what we did.

3 MR. ZAUNER: The Bureau has no problem with Mr.  
4 Kelly doing the best he can. But this is -- this is what we  
5 have received.

6 JUDGE FRYSIAK: Why don't we then go along piece by  
7 piece here? Let's first consider your Exhibit 7. Let me ask  
8 Mr. Kelly, are there any exhibits in this proposed Bureau  
9 Exhibit 7 that you yourself want to have submitted into the  
10 record on behalf of your --

11 MR. KELLY: With respect to Exhibit 7, I have no  
12 problem with the whole exhibit coming in.

13 JUDGE FRYSIAK: Can you tell me for what purpose it  
14 would serve the record to have this exhibit?

15 MR. KELLY: Well, the Bureau -- the whole purpose of  
16 the document production was to investigate certain of Ms.  
17 Washington's statements on the record, that cash money was  
18 infused into the business, and that's what we did. I mean, we  
19 produced that to -- you know, I was -- Your Honor, I'm  
20 satisfied with the transcript. I really am. I mean, as far  
21 as what I can do in this case, I'm satisfied with it.

22 But to the extent that they want to put this stuff  
23 in, I have no objection. I have, you know -- if we go through  
24 it, there's a large collection of canceled checks which I  
25 don't think we have to address with respect to Number Seven.



1 But as far as -- you know, we have a statement from  
2 Pastor C.H. Gerald. That's -- it says Number Three at the  
3 bottom, that that was added by the Bureau. I have no problem  
4 with that coming in. Bishop Noel Jones' statement. I have no  
5 problem with that coming in. The statement of Attorney Edward  
6 Miller of Texarkana, Texas, Page Five. I have no problem with  
7 that coming in.

8 These are all responsive -- and then the same thing  
9 with the next page, statement of Annie White. I have no  
10 problem with that coming in. Those are all proof that -- you  
11 know, that back up Ms. Washington's testimony as to the  
12 receipt of money from those persons. I have no problem with  
13 that stuff coming in. I have -- I mean, the checks are the  
14 checks that were produced.

15 And then there's also the receipts. There is a  
16 series of receipts of money orders that were received by Janet  
17 Washington that were monies that were, it was represented to  
18 me, put in the station and this, I think, totals in excess of  
19 \$25,000. I have no problem with that coming in. But it goes  
20 to substantiate her testimony.

21 You know, we're producing documents to produce them  
22 in response to your order. You know, I'm -- as to this  
23 particular exhibit, I don't care whether it comes in or goes  
24 out. But, you know, I have no objection to it.

25 MR. ZAUNER: Perhaps, Your Honor -- Mr. Kelly

1 mentioned the canceled checks. Perhaps he could tell us which  
2 of your judge's orders the canceled checks are relevant to.

3 MR. KELLY: Well, there was -- I had in my notes  
4 that -- and again, my response to this came because I did not  
5 have the transcript, you know, within the first ten days of  
6 this document production, so I was relying on my notes.

7 Things that had to do with Ray Lee Williams'  
8 participation in the case, there's some checks that are signed  
9 by Janet Washington from the Bank One account, and as I had in  
10 my notes -- I don't have my notes here, but there was a  
11 question about her account with Bank One of Longview, Texas,  
12 and she provided checks in response to that.

13 And then there was a question relative to the  
14 testimony she gave relative to Ray Lee Williams, and so these  
15 checks were -- are responsive to that. You know, I was just  
16 reacting -- yeah, it's Mr. Zauner's choice to put this stuff  
17 in. I have produced it to him, you know, and he -- you know,  
18 I have had -- in fairness, I've had a couple of conversations  
19 with Bob about these matters and I didn't realize he was going  
20 to raise these matters, you know, and sort of accuse me of  
21 doing something improper or incorrect on the record. I  
22 produced the documents that were provided to me. What he  
23 chooses to do with them is his business and all I'm saying is  
24 I don't object to this exhibit.

25 JUDGE FRYSIK: Well, there have been no charges

1 made one way or the other.

2 MR. KELLY: No, but there's sort of an insinuation -  
3 -

4 JUDGE FRYSIAK: And my question to you is do you see  
5 any of these documents as relevant to your applicant's case?

6 MR. KELLY: I don't -- I don't think that the Ray  
7 Lee Williams' checks are and I don't know if the Janet -- if  
8 the Praise -- if the Bank One checks are relevant. I think  
9 that the statements -- the money -- the cash -- the receipts  
10 of the money orders substantiate her testimony that she got  
11 money from those sources.

12 There's a loan document from Bank One that  
13 substantiates her testimony that she got a \$10,000 loan from  
14 Bank One and there are statements of individuals to  
15 substantiate that she received money from them that she put in  
16 the business. To that extent, that's relevant. I can't think  
17 of any other use for it.

18 JUDGE FRYSIAK: All right. You have no objection  
19 then to --

20 MR. KELLY: I have no objection to this exhibit  
21 coming in.

22 JUDGE FRYSIAK: Why don't we have Exhibit 7 then  
23 marked for identification?

24 MR. ZAUNER: Your Honor, at this time, I would like  
25 to have marked for identification as Mass Media Bureau Exhibit

1 7 a document of 120 pages in length. The first page is on the  
2 letterhead of Cordon and Kelly and it is a letter dated March  
3 30, 1995 and the second page bears the signature of Dennis J.  
4 Kelly. The remaining pages, 3 through 120, are documents that  
5 were attached to that letter and they consist of various  
6 documents including statements, an application for a bank  
7 loan, numerous cancelled checks, and numerous money orders.

8 MR. KELLY: The only other observation I think, Your  
9 Honor, with respect to my cover letter, I have no problem with  
10 it coming in, but just as long as it's not construed that I am  
11 testifying in this case, other than it's a descriptive letter  
12 as to what -- the context of these matters and the fact that  
13 it was brought over on March 30th.

14 (Whereupon, the document referred to as  
15 Mass Media Bureau Exhibit Number 7 was  
16 marked for identification.)

17 JUDGE FRYSIK: The Bureau is offering this?

18 MR. ZAUNER: Your Honor, at this time, I would offer  
19 into evidence Mass Media Bureau Exhibit 7.

20 JUDGE FRYSIK: Mr. Kelly, you have no objection, I  
21 take it.

22 MR. KELLY: I have no objection.

23 JUDGE FRYSIK: I'll receive it.

24 (Whereupon, the document referred to as  
25 Mass Media Bureau Exhibit Number 7 was

1 received into evidence.)

2 MR. ZAUNER: Your Honor, at this time, I'd like to  
3 have marked for identification as Mass Media Bureau Exhibit 8  
4 a two-page letter on the letterhead of Cordon and Kelly dated  
5 April 7, 1995 and bearing the signature of Dennis J. Kelly on  
6 the second page.

7 JUDGE FRYSIAK: Yes, it may be marked.

8 (Whereupon, the document referred to as  
9 Mass Media Bureau Exhibit Number 8 was  
10 marked for identification.)

11 MR. KELLY: This one I'll object to. I wrote a  
12 letter to Mr. Zauner to explain the circumstances why I didn't  
13 have any more documents for him. It was not meant to be  
14 evidence. You know, if this is -- if this is the case, then  
15 I, you know, as a practitioner -- and I've been practicing for  
16 this Agency for 16 years -- I'll never write another letter,  
17 you know, to anybody over here, other than, you know, a very  
18 vanilla covering letter.

19 I think it's really inappropriate that this come in.  
20 I mean, to the extent that it would identify documents, I have  
21 no objection. But I think this is wrong because they're  
22 forcing me in the position of testifying which I -- you know --  
23 -

24 JUDGE FRYSIAK: What's the relevancy of this  
25 specifically?

1           MR. ZAUNER: Your Honor, the relevancy is that it  
2 explains why certain documents have not been produced. To the  
3 extent that this statement is consistent with her testimony,  
4 that documents had been stolen, then we would, of course, be  
5 redundant. But as I read this, it indicates that copies of  
6 records maintained by her relative to Club Infinity had been  
7 stolen from the place where they had been kept within the  
8 studio building of Station KARW, and I thought that her  
9 testimony had only been that the -- that KARW documents had  
10 been stolen from the studio building.

11           So I thought that this would expand on that  
12 testimony, but -- and this is a representation offered to the  
13 Commission on behalf of a client by Dennis Kelly. I'm not  
14 sure it's harmful to his client. In fact, it explains why  
15 certain documents have not been produced.

16           JUDGE FRYSIAK: Really I don't understand the point.  
17 I'm not worried about for what reason the documents have not  
18 been produced. I'm interested in having documents if they're  
19 available that tend to demonstrate, you know, something about  
20 the issues.

21           MR. ZAUNER: Well, we wanted to make it part of a  
22 complete record of showing what had happened with the attempt  
23 --

24           JUDGE FRYSIAK: Some reference in the letter is  
25 silent as to not one aspect of the applicant's history in the

1 radio station. It would be speculative to say that it never  
2 existed or it never happened. Do you know what I mean? In  
3 other words, the reference here is to Club Infinity, it's not  
4 a reference to the station. But I can't say that because  
5 there is no reference to the station, therefore, all those  
6 allegations about the station's break-in did not exist.

7 MR. ZAUNER: We're not saying that the break-in  
8 didn't occur. But we're saying that the category of documents  
9 that were stolen from the station has now been expanded to  
10 include Club Infinity documents.

11 MR. KELLY: Well, her testimony is her testimony and  
12 I am not seeking to testify. I'm only seeking to relay to her  
13 what she said to me in an off-the-record telephone -- you  
14 know, an unsworn telephone conversation, but why I believe --  
15 because it's the only way I have of knowing whether it's true  
16 or not. I have to rely on her word. But it's putting counsel  
17 in the position of testifying and I object to that.

18 JUDGE FRYSIAK: Well, I see this only as a cover  
19 letter sending the documents over. You would have to argue as  
20 to what relevance it might have on the case. Mr. Kelly, do  
21 you object to the --

22 MR. KELLY: Yeah, I object to Number Eight. There  
23 were no documents attached to it. It was a letter that I sent  
24 to Bob explaining why I didn't have any more documents and  
25 when the next time would be that I expected to have documents.

1 JUDGE FRYSIAK: Mr. Zauner, I really don't  
2 understand the document, so I'm going to accede to Mr. Kelly's  
3 objection and deny your motion to offer this thing into  
4 evidence. However, it's marked for identification.

5 (Whereupon, the document referred to as  
6 Mass Media Bureau Exhibit Number 8 was  
7 rejected.)

8 MR. ZAUNER: Your Honor, at this time, I'd like to  
9 have marked for identification as Mass Media Bureau Exhibit 9  
10 a document consisting of 176 pages. The first page is a letter  
11 on the letterhead of Cordon and Kelly dated May 15, 1995. The  
12 second page is a continuation of that letter which bears the  
13 signature of Dennis J. Kelly, and it's a letter transmitting  
14 documents. Attached to the letter are the documents  
15 transmitted.

16 These documents consist of a publisher's affidavit,  
17 a number of documents relating to licenses or permits  
18 received, I guess, by Club Infinity. It also consists of what  
19 looks like a bar tab of some kind that goes on for -- oh, I  
20 would say at least close to a hundred pages of bar tabs, and  
21 also contains letters and other documents, apparently receipts  
22 and invoices relating to the operation of Club Infinity.

23 At the end, there is a service agreement for Club  
24 Infinity of some kind and it looks like it may be a bill from  
25 a distributing company. Again, these are all documents that



1 we received that we believe were submitted by Praise Media as  
2 being relevant to Your Honor's document production order.

3 JUDGE FRYSIK: What do they show?

4 MR. ZAUNER: They show what the response is of  
5 Praise Media to Your Honor's order to produce documents.

6 JUDGE FRYSIK: I know, but what do they manifest?

7 MR. ZAUNER: I'm not sure what they show. I can't  
8 make heads or tails of them or why they were produced or what  
9 they're intended to demonstrate or even to which of your  
10 judge's -- which of your orders they are submitted pursuant  
11 to. The transmittal letter doesn't say and all we received is  
12 this transmittal letter, and attached to it is a stack of  
13 documents, and we're submitting this to show again what it was  
14 that we received pursuant to the order of your judge (sic)  
15 that Ms. Washington produce certain documents relative to  
16 statements made by her during massive testifying here in this  
17 proceeding.

18 MR. KELLY: Your Honor, these were documents that  
19 were sent to me. I had asked Ms. Washington for her records -  
20 -

21 JUDGE FRYSIK: I understand. I was just trying to  
22 find out what we can do with these documents. There has been  
23 some question of whether there was a continuous operation by  
24 Ms. Washington of the station and maybe these documents tend  
25 to show that. But there was also some testimony that she ran

1 Club Infinity and in that way supported the station.

2 MR. KELLY: And took money from the operation of  
3 Club Infinity and used it for the radio station.

4 JUDGE FRYSIAK: It may show that.

5 MR. KELLY: And it really -- I mean, these are  
6 records that we were asked to produce and we produced them. I  
7 don't know what they show and I don't know whether they're  
8 really helpful to us. One thing I do know, according to my  
9 client, is they're not complete. There were other records and  
10 they are missing. So, you know, we fulfilled our obligation,  
11 Your Honor, to produce documents.

12 But as far as -- there's a different standard  
13 between production of documents and admissibility of evidence.  
14 And you know, I wish there were a way to demonstrate that X  
15 amount of dollars were taken from the club and put into the  
16 radio station, but there isn't, so far as I can tell. You  
17 know, I have produced the documents in response to Your  
18 Honor's direction. But I -- but I -- you know, I don't know  
19 what the relevance is either, you know, because we don't have  
20 a complete accounting of what the monies were.

21 JUDGE FRYSIAK: This is a rather peculiar case and  
22 we have set out to give Ms. Washington every opportunity to  
23 present her side of the story and I indulge not to receive  
24 into evidence anything that may support her case. If it  
25 doesn't support her case, well, no harm is done.

1 MR. KELLY: To that extent -- to that extent -- you  
2 know, and I wish I could answer Mr. Zauner's inquiry. But I  
3 can't do it honestly because I can't say and I was not at the  
4 Club Infinity and I don't know how the monies were applied.  
5 But I have no -- we produced the documents. They're genuine.  
6 I have no objection on that respect. I just -- you know --

7 JUDGE FRYSIK: I'm going to receive the documents  
8 and you can make your case in your proposed findings whether  
9 you want to use these documents to support any aspect of the  
10 issues that face us.

11 (Whereupon, the document referred to as  
12 Mass Media Bureau Exhibit Number 9 was  
13 marked for identification and received  
14 into evidence.)

15 JUDGE FRYSIK: These documents have not been  
16 paginated, have they?

17 MR. ZAUNER: No, they haven't, Your Honor. I'm  
18 sorry. We xeroxed them off and then realized that the  
19 pagination had not been completed, that a couple of them began  
20 to paginate.

21 JUDGE FRYSIK: So if you refer to any of these  
22 pages in your proposed findings, I mean, it's going to take a  
23 real effort to find out what you're -- which documents you're  
24 referring to.

25 MR. ZAUNER: I know, Your Honor. We do have one set

1 that is numbered and I think what we'll do is give that to the  
2 -- as one of the sets to the court reporter so that there is  
3 an official set. My anticipation is that we're not going to  
4 deal with these particular numbers, but we're going to deal  
5 with them in general statements.

6 MR. KELLY: Except 10 and 11. I have no objection  
7 to either of them coming in. These were cash receipts showing  
8 actually cash expenditures of money in operating the radio  
9 station. I'm fairly certain that, with the exception -- I  
10 made a copy of -- there were two receipt books, Your Honor,  
11 one of which they started out -- I think it's obvious on the  
12 page -- where they were recording cash money that was  
13 received, I think, for religious programming.

14 But after about four or five pages, they switched  
15 into recording cash that was paid out to creditors for  
16 services and salaries. Everything else -- everything else is  
17 a receipt of what was paid. So that goes to substantiate her  
18 testimony relative to these things. The money -- the cash  
19 money was paid out.

20 MR. ZAUNER: I do have one particular concern that I  
21 would like to have Mr. Kelly address, if he would be so kind,  
22 and that is in Mass Media Exhibit 10, there is a statement in  
23 the last paragraph on Page One, the letter of May 19th, and  
24 there Mr. Kelly says, "This is to clarify one matter about  
25 loans made to KARW by Mr. Don Grant of Houston, Texas. Ms.

1 Washington reports that the loans were not made all at once,  
2 but over time."

3 I reviewed Ms. Washington's testimony on this point  
4 and it seemed to me that her testimony was pretty clear that  
5 the loans were made all at once, and I'm wondering if Mr.  
6 Kelly has any clarification of the apparent discrepancy  
7 between the statement that's made in this letter and the prior  
8 testimony of his client.

9 MR. KELLY: I do because after our conversation of  
10 last week, I went back -- it was either Friday or Monday you  
11 and I spoke about this. I went back and spoke to Ms.  
12 Washington and she represented to me that the money was paid  
13 out. It was paid by Mr. Grant or given to her in several  
14 occasions, not once. So to the extent there's a discrepancy  
15 between her sworn testimony and what the statement is in my  
16 letter, my letter is -- as to that one point, my letter is  
17 correct.

18 MR. ZAUNER: Your Honor, at this point, I would like  
19 to have -- I don't believe we've had them marked yet. I'd  
20 like to have this marked as Mass Media Exhibit 10, an exhibit  
21 consisting of 452 pages --

22 JUDGE FRYSIK: 452?

23 MR. ZAUNER: Correct, Your Honor. Page One is, as  
24 we've already discussed, a letter on the letterhead of Cordon  
25 and Kelly dated May 19, 1995. Page Two is a continuation of

1 that letter bearing the signature of Dennis J. Kelly.  
2 Attached to that are various documents provided by Praise  
3 Media, apparently or purportedly in response to your order  
4 that documents be produced during the hearing in this  
5 proceeding.

6 MR. KELLY: We have no objection to the receipt of  
7 these exhibits.

8 JUDGE FRYSIK: The Bureau is offering them and Mr.  
9 Kelly has no objections. I'll receive the exhibits.

10 (Whereupon, the document referred to as  
11 Mass Media Bureau Exhibit Number 10 was  
12 marked for identification and received  
13 into evidence.)

14 MR. ZAUNER: Could we go off the record for one  
15 moment, please, Your Honor?

16 JUDGE FRYSIK: Sure.

17 (Off the record briefly.)

18 JUDGE FRYSIK: You were about to consider your  
19 Exhibit 11?

20 MR. ZAUNER: Did we receive Exhibit 10?

21 JUDGE FRYSIK: Yes.

22 MR. ZAUNER: Yes? Okay, thank you. Yes, Your  
23 Honor, at this point, I'd like to have marked for  
24 identification as Mass Media Bureau Exhibit 11 a 37-page  
25 document. The first page of that document is a letter on the

1 letterhead of Cordon and Kelly dated May 22, 1995, and it also  
2 -- that page bears the signature of Dennis Kelly. Attached to  
3 the letter are a number of documents that are being submitted  
4 in response to Your Honor's orders during the hearing in this  
5 proceeding.

6 JUDGE FRYSIK: It may be marked.

7 (Whereupon, the document referred to as  
8 Mass Media Bureau Exhibit Number 11 was  
9 marked for identification.)

10 MR. KELLY: No objections.

11 JUDGE FRYSIK: You're offering the exhibit.

12 Mr. Kelly has no objection. I'll receive it.

13 (Whereupon, the document referred to as  
14 Mass Media Bureau Exhibit Number 11 was  
15 received into evidence.)

16 JUDGE FRYSIK: Is there anything else, Mr. Zauner?

17 MR. ZAUNER: No, Your Honor. I have nothing  
18 further.

19 MR. KELLY: Just set dates for findings?

20 MR. ZAUNER: Do you want to set dates for proposed  
21 findings?

22 JUDGE FRYSIK: Mr. Kelly, this concludes your case,  
23 also?

24 MR. KELLY: Yes.

25 JUDGE FRYSIK: All right. How much time do you

1 need for proposed findings? The transcript is already in,  
2 isn't it?

3 MR. KELLY: Right, it's in. How about like the week  
4 after the Independence Day holiday? So the Monday -- that's  
5 around 45 days, I think.

6 JUDGE FRYSIK: But the transcripts are already in.

7 MR. KELLY: I understand. I've got a -- I've got a  
8 travel schedule. I've got to be in Los Angeles on the 20th  
9 and 21st of -- are we off the record? Can we go off the  
10 record for a second?

11 JUDGE FRYSIK: Okay, then.

12 (Off the record briefly.)

13 JUDGE FRYSIK: Let's review what we thought was on  
14 the record. It has been established that the proposed  
15 findings are to be filed July 5 and replies thereto on July  
16 19. The record is closed.

17 MR. KELLY: Thanks, Your Honor.

18 (Whereupon, at 10:37 a.m. on Wednesday, May 24,  
19 1995, the hearing adjourned.)

20

21

22

23

24

25



**CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER**

Pine Tree Media, Inc.  
Name

MM 93-265  
Docket No.

Washington, DC  
Place

May 24, 1995  
Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 302 through 323, inclusive, are the true, accurate and complete transcript prepared from the reporting by Marykae Fleishman in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

5/26/95  
Date

Marykae Fleishman  
Marykae Fleishman, Transcriber  
Free State Reporting, Inc.

5/30/95  
Date

Debbie Serio  
Debbie Serio, Proofreader  
Free State Reporting, Inc.

5/31/95  
Date

Marykae Fleishman  
Marykae Fleishman, Reporter  
Free State Reporting, Inc.